

REMARKS

Claims 1-18 are pending in this application. By this Amendment, claims 1, 6, 7, 9-16 and 18 are amended for clarity. No new matter is added. Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

The Office Action rejects claims 1, 4, 6, 9-15 and 18 under 35 U.S.C. §103(a) over U.S. Patent No. 6,591,208 to Lotze ("Lotze 1") in view of U.S. Patent No. 6,546,643 to Lotze ("Lotze 2"); rejects claims 2, 3, 16 and 17 under 35 U.S.C. §103(a) over Lotze 1 and Lotze 2, in view of U.S. Patent No. 5,152,072 to McMurtry; rejects claim 5 under 35 U.S.C. §103(a) over Lotze 1 and Lotze 2, in view of U.S. Patent No. 6,568,242 to Nai; and rejects claims 7 and 8 under 35 U.S.C. §103(a) over Lotze 1 and Lotze 2, in view of U.S. Patent No. 5,594,668 to Bernhardt. These rejections are respectfully traversed.

The Office Action concedes, on page 3, that Lotze 1 does not disclose an articulating probe head. The Office Action asserts that Lotze 2 supplies the allegedly missing subject matter. However, Lotze 2 does not disclose "determining a measurement error ... caused by the load ... applied by a motion of the articulating probe head about the at least one axis," as recited in claim 1, and similarly recited in claim 18.

The Office Action asserts that Lotze 2 discloses "a probe head 34 that is mounted in a receptacle of an articulating device that is attached to a measuring apparatus, the measured values from the measuring apparatus being recorded by a coordinate measuring apparatus." Thus, on its face, the Office Action does not even address all of the details in the recited claim features discussed above. Specifically, there is no mention in the Office Action regarding the errors being caused by the load applied by any motion of the articulating head.

The errors in Lotze 2 are caused by manufacturing inaccuracies (col. 5, line 44) or weight forces (col. 7, line 15-20), and not "caused by the load ... applied by a motion of the

articulating probe head about the at least one axis," as recited in claim 1, and similarly recited in claim 18.

Regarding claim 1, Lotze 2 also does not disclose rotating the surface detecting device about at least one axis of the articulating probe head during measurements. Rather, the discussion in Lotze 2 is directed to latching articulating devices (col. 1, line 56 - col. 4, line 9). In such a latching articulating device, the probe is rotated into position before taking measurements. Thus, Lotze 2 does not disclose rotating the surface detecting device about at least one axis of the articulating probe head during measurements.

Based on the above, the Office Action fails to address the details of the claims giving plain meaning to each of the recited claim terms. Further, careful review of Lotze 2 indicates that simply because it is directed to an articulated head device does not provide the subject matter of the pending claims that is conceded to be missing from Lotze 1. Finally, it has not been adequately shown that the references are even combinable in the manner suggested by the Office Action with any degree of predictability or any reasonable expectation of success to render obvious the subject matter of the pending claims. Also, McMurty, Lai and Bernhardt are not applied in any manner that would overcome the above-identified shortfalls in the application of Lotze 1 and Lotze 2 to the subject matter of the pending claims.

For at least the above reasons, the combination of the applied references would not have suggested the combinations of all of the features positively recited in claims 1 and 18. Thus, the combinations of applied references would not have suggested the combinations of features recited in claims 2-17 for at least their dependence on an allowable base claim, as well as for the separately patentable subject matter that each of these claims recites.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-18 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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